

THE CHAIRMAN: I think it is rather difficult for the Chair to advise you as to that, except in a very limited way. All cases at law exceeding the jurisdictional amount prescribed by law, to the Chair would mean all cases at law in which the amount involved exceeds such amount as the legislature hereafter shall say by law. In other words, the legislature would under this have the right to say that you could not have a right of removal in cases at law if the amount involved was less than a certain amount. This would mean you would have the right to removal if the amount involved was more than that amount.

I could not possibly explain to you the difference between law and equity without taking much more time than could possibly be devoted, and even then I do not know that I could do it adequately. It is one of the things lawyers know instinctively and have a great deal of difficulty explaining. Essentially the equity cases are cases such as divorce cases, mortgage foreclosure cases, injunction cases, receivership cases, cases involving matters other than damage suits and property rights in the sense of ejectment cases or suits on contract. All other cases are cases at law. That is a very inaccurate, very inadequate explanation of the difference but it gives you some vague idea.

Are you ready for the question?

Delegate Cicone.

DELEGATE CICONE: Mr. Chairman, I would like to speak in opposition to this, if I may. I am not an attorney, but as I have said before, I have worked in law offices for a long time and I have heard it stated here that the great concern is for the litigants, which may be very well, but also I see as the danger of this, lawyers removing a case until they get the judge they want. I know the argument now is that we have assignment clerks, but believe me, it can be done, and I have seen it used for just that purpose. I know in preparing cases, and in helping to prepare them and have them ready to go to trial, with witnesses coming in from out of state, and then for no particular reason at all, it is an absolutely known fact, that these cases have been postponed just for that reason. I know this has been done. I think this is dangerous and it could be done and used by the lawyers for themselves as much as for the litigants.

THE CHAIRMAN: Delegate Weidemeyer, the Chair wants to ask a question for the purpose of clarification. I do not

see how the matter can be cleared by a quick amendment but it may very well be a matter that the Committee on Style can point out. The Parliamentarian has called my attention to the fact that the use of the word "jurisdictional" in this context is quite inappropriate and the Chair agrees with him. You do not mean jurisdictional amount, because that would refer to the amount establishing the jurisdiction of the court. Can we have you indicate, if such is your intention, that you do not mean jurisdictional amount in that sense but rather you mean such amount as shall be prescribed by law as determinative of whether or not the right of removal does or does not exist? Is that the intent?

DELEGATE WEIDEMEYER: I think it is because that follows our old language and that is our intent.

THE CHAIRMAN: The Chairman of the Committee on Style please not for the information of the Committee that the use of the words "jurisdictional amount" in lines 7 and 8 are not intended to refer to the amounts involved, which establish the jurisdiction of the court, but are intended instead to indicate such amount as shall be fixed by the General Assembly as being determinative of the right of removal prescribed in this section.

For what purpose does Delegate James rise?

DELEGATE JAMES: Mr. Chairman, I would like to point out several things about this proposal. I will be very brief.

THE CHAIRMAN: You are speaking in opposition to the amendment?

DELEGATE JAMES: Yes, sir.

THE CHAIRMAN: You may proceed.

DELEGATE JAMES: A number of things come to my mind about this. It is almost as the Supreme Court said in one case, this is a parade of horrors. Land goes through equity proceedings. Almost anything that can happen to a person can happen to a piece of land. You have mortgage foreclosure cases, you have partition proceedings, creditors' bills. You have situations where interests are involved. You must go to court possibly to get a piece of land sold because there are different interests involved. There are any number of things, lunacy proceedings, variety proceedings and that sort of thing coming under equity proceedings. As I interpret this, any one of these cases on proper motion can be removed to another court, and